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RIGHT OF PEOPLES TO SELF-DETERMINATION

Cuba, India, Nigeria, United Republic of Tanzania and Viet Nam: draft resolution

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 48/92 of 20 December 1993 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use of threat or the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 1/

Recognizing that mercenaries are used for activities that violate the Principles,

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* Reissued for technical reasons.

1/ Resolution 2625 (XXV), annex.

Concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of affected countries resulting from mercenary aggression,

Convinced that it is necessary to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries 2/ and particularly the concern expressed therein at the continuation of mercenary-related activities despite General Assembly resolution 48/92;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure by legislative measures that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against colonial domination and foreign intervention or occupation;

4. Calls upon all States that have not yet done so to consider taking early action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 3/

5. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

2/ A/49/362.

3/ Resolution 44/34, annex.

6. Requests once again the Centre for Human Rights of the Secretariat, as a matter of priority, to put more effort into publicizing the adverse effects of mercenary activities, to render advisory services to States that are experiencing the consequences of mercenary activities and to consider the political and legal aspects of the recommendations contained in the report of the Special Rapporteur;

7. Requests the Special Rapporteur to report to the General Assembly at its fiftieth session on the new elements identified in the use of mercenaries.